

ARAI *et al.*, SN 09/763,823
AF Amdt. dated 06/20/2005
Reply to final OA mailed 02/18/2005

Dkt. 503.39690X00/P4675
Page 4

REMARKS

This AF Amendment is responsive to the final Office Action identified above, and is further responsive in any other manner indicated below.

OFFICE ACTION AMBIGUITY

In the Office Action Summary Form PTO-326, Item 2a is checked. However, no other indication of finality is given anywhere in the Action, *e.g.*, neither Paragraph 7.39 nor any other form paragraph or language identifying the grounds for finality is given. Alternatively, other language in the Action, *e.g.*, in the final paragraph of Item 5 and in the Conclusion, appears to indicate that the Action may not have been intended as a final rejection. Since the case is unavailable to Applicant *v/a* private PAIR, it is not possible for Applicant to positively determine that the Action is a final rejection.

Although none of the grounds for finality or other language required under MPEP §706.07 is present in the Action, Applicant respectfully submits that this is a complete and bona fide Amendment, and respectfully requests that it be entered in any event since it places the application either in condition for allowance or in better form for appeal by canceling all of the claims rejected in the Action (without prejudice or disclaimer).

PENDING CLAIMS

Claims 1-5 and 7-9 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled

ARAI *et al.*, SN 09/763,823
AF Amdt. dated 06/20/2005
Reply to final OA mailed 02/18/2005

Dkt. 503.39690X00/P4675
Page 5

and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 4, 5 and 7-9 remain pending for further consideration and examination in the application.

ALLOWED CLAIMS

Claims 4, 5 and 7-9 have been allowed in the application, as indicated at Item 4 on page 3 of the Action, and Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

REJECTION UNDER 35 USC §102 - CLAIMS CANCELLED

The 35 USC §102 rejection of Claims 1-3 as being anticipated by Taguchi *et al.* (US 5,774,602 A) is respectfully traversed. However, such rejection has been rendered obsolete by the cancellation of Claims 1-3, and accordingly, traversal arguments are not appropriate at this time. Accordingly, reconsideration and withdrawal of such §102 rejection, and express written allowance of the application, are respectfully requested.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter.

ARAI *et al.*, SN 09/763,823
AF Amdt. dated 06/20/2005
Reply to final OA mailed 02/18/2005

Dkt. 503.39690X00/P4675
Page 6

Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area telephone 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

A Petition for an appropriate extension of the shortened statutory period for response set by the 18 February 2005 final Office Action (18 June 2005 being a Saturday) is being filed concurrently herewith, along with a Form PTO-2038 authorizing payment of the requisite Petition Fee. To whatever other extent is actually necessary and correct, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. Please charge any actual deficiency in

ARAI *et al.*, SN 09/763,823
AF Amdt. dated 06/20/2005
Reply to final OA mailed 02/18/2005

Dkt. 503.39690X00/P4675
Page 7

fees required for entry of this AF Amendment to ATS& Deposit Account No. 01-2135
(as Case No. 503.39690X00).

Respectfully submitted,



Paul J. Skwierawski
Registration No. 32,173
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209-3801, USA
Telephone 703-312-6600
Facsimile 703-312-6666

Attachments:
Petition for Extension of Time
Form PTO-2038 (Fee Code 1251)